

U.S. Patent Application No. 10/524,278
Response to Restriction Requirement dated November 30, 2006
Reply to Office Action of November 7, 2006

REMARKS/ARGUMENTS

At page 2 of the Office Action, the Examiner is requesting that the applicant restrict this application to one of the two inventions as follows:

- I. Claims 1-6, 10, 13, 17, and 19, drawn to a method of detecting mutation in exon 5 of a gene coding for UGT.
- II. Claims 7-9, 11, 12, 14-16, and 18, drawn to a UGT gene.

To be responsive, the applicants elect, with traverse, Group I, directed to claims 1-6, 10, 13, 17, and 19 for examination.

For the following reasons, the restriction requirement is respectfully traversed.

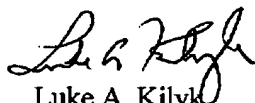
A single inventive concept is present in the present application for search purposes. Contrary to the Examiner's comments, in the counterpart International application, unity was found with respect to all claims as shown in the International Search Report. Thus, if the International Searching Authority has found common unity with the claimed subject matter, there is no reason why the Examiner cannot also find the same unity since the same or similar standards apply.

With regard to all of the claims, it is respectfully submitted that all claims should be examined at this time since there appears to be no serious burden on the part of the Examiner to search the entire scope of the claims. It is believed that the subject matter has the same concept from the standpoint that the searches would overlap. Under M.P.E.P. § 803, if there is no serious burden in the examination of all of the claims even if the claims are directed to separate inventions, the Examiner must examine all claims at this time. It would appear that § 803 applies to the current situation and therefore the restriction requirement should be withdrawn and all claims should be examined at this time.

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If there are any fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,


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